

USSN 09/719,410
Atty Docket No. 0206-UTL-9**REMARKS**

Applicants note that the Office Action Summary states that claims 44-46 and 48-55 are allowed, and that claims 55-58 are rejected. Applicants presume that the Examiner intended to indicate that claims 44-46 and 48-54 are allowed, and that claims 55-58 are actually rejected under 35 U.S.C. § 102(b). Claims 55-58 have been amended to recite "an exendin agonist or exendin agonist analog." Support for these amendments can be found at least on page 6, line 29 through page 7, line 2; page 7, lines 15-26; and page 8, lines 7-12. Applicants provide the following remarks in response to this new rejection.

Rejection Under 35 U.S.C. § 102(b)

Claims 55-58 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Schirra, et al. The Examiner alleges that "Schirra et al discloses the administration of exendin(9-39)amide which is a peptide receptor antagonist of GLP-1 in humans, wherein the exendin(9-39)NH₂ increased plasma glucagons levels during euglycemia and hyperglycemia" and "(t)hus, the cited reference clearly discloses the administration of exendin at a dose effective amount to normalize blood glucose" (Page 3 of Office Action mailed 5 June 2006). Applicants traverse this rejection.

Applicants have amended claims 55-58 to specify "an exendin or exendin agonist analog." The Schirra reference teaches that exendin(9-39)amide (an exendin analog) is a specific and competitive **antagonist** of GLP-1. The Schirra reference fails to teach or suggest the use of an exendin or an exendin agonist analog to reduce the risk of a cardiovascular or cerebrovascular event of claims 55-58. Thus, the Schirra reference fails to teach or suggest every element of the claimed invention, and cannot properly serve as the basis for a rejection under 35 U.S.C. § 102(b).

Applicants respectfully request that this rejection be reconsidered and withdrawn.

No fees are believed due for this submission. However, if a fee is due, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, to Applicant's Deposit Account No. 010535. Additionally, the Commissioner is hereby authorized to charge payment or credit overpayment of any fees during the pendency of this application to Applicant's Deposit Account No. 010535.

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Respectfully submitted,
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